

**REMARKS/ARGUMENTS**

Claims 1, 2, 4-8, 10-14 and 16-18 are pending and rejected in this application. Claims 3, 9, and 15 were previously cancelled without prejudice or disclaimer. Claims 1, 7, and 13 are amended.

Claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horvitz et al., (hereinafter “Horvitz”), US Publication No. 2007/0011314, in view of Foladare et al., (hereinafter “Foladare”), US Patent No. 6,311,210 and Singh, (hereinafter “Singh”), US Patent No. 6,405,035.

First, with regard to the §112 rejections, Applicants submit the amendments to claims 1-2, 4-8, 10-14 and 16-18 render the rejection moot, and it should be withdrawn.

Applicants submit the cited references do not teach or suggest at least a method for forwarding messages, comprising, among other things storing in a trend analysis table results of the statistical trend analysis performed, wherein said results are stored in order of probability from highest to lowest and transferring incoming messages based on a location in the trend analysis table with the highest probability of contacting the user and user location preferences based on the message source (*e.g.*, as described in claim 1).

The Office Action asserts Horvitz teaches the relevant limitations, citing paragraphs [0063], [0079], and [0080]. *See* Office Action dated 9/21/2007, paragraph 15. Applicants disagree.

With regard to paragraph [0063], the Office Action further asserts: “User context store can be edited and modified by user”. The relevant portion of paragraph [0063] to which the

Office Action is presumably referring is: “The user context module 304 determines a user’s current context, based on the context information sources 306 as published to the whiteboard 307; the user context profile store 305 stores the context parameters for a user, such as the default context settings for the user, which can be edited and modified by the user.” The relevant section describes that a user may edit and modify context parameters. The term “context parameter” is only mentioned this once through out the application, and is not further explained anywhere. Applicants submit, as is understood by one of skill in the art, editing and modifying a generic “parameter” is not the same as a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact (*e.g.*, as described in claim 1). Moreover, the cited section does not teach or suggest storing in a trend analysis table the result of the statistical trend analysis performed, wherein said results are stored in order of probability from highest to lowest, and if a first transfer attempt is unsuccessful, transferring to a next highest probability contact point for the user at all.

Paragraph [0055] fails to support a proper rejection for similar reasons as well. In particular, paragraph [0055] describes accessing a user profile to indicate, for example, a time the user prefers via a pager but only if the notification has a predetermined importance level. Applicants submit, as is understood by one of skill in the art, accessing a “time” information parameter found in user profile to determine an acceptable time and manner of contact is not the same as a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact. Again, the cited section does not teach or suggest storing in a trend

analysis table the result of the statistical trend analysis performed, wherein said results are stored in order of probability from highest to lowest, and if a first transfer attempt is unsuccessful, transferring to a next highest probability contact point for the user at all.

The description in paragraphs [0079] and [0080] fail to teach or suggest at least the relevant limitations for similar reasons also. Paragraphs [0079] (steps 500-504) and [0080] (steps 508-510) are directed to a method employing the notification architecture embodiments of Horvitz. They do not describe, for example, a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location (*i.e.*, “a prefer contact location”) is to be used for contact, and indeed overrides (even generally) anywhere. Also, the cited section does not teach or suggest storing in a trend analysis table the result of the statistical trend analysis performed, wherein said results are stored in order of probability from highest to lowest, and if a first transfer attempt is unsuccessful, transferring to a next highest probability contact point for the user at all. Applicants submit the Horvitz reference as a whole, including the cited sections, fails to teach or suggest the relevant limitations for similar reasons to those described above.

Finally, Applicants submit the cited reference fails to teach or suggest transferring incoming messages based on user location preferences based on the message source as well. The cited reference, including the sections discussed above, does not describe such features anywhere. Applicants respectfully submit the current rejection is lacking, and request withdrawal.

Foladare fails to make up for the deficiencies of Horvitz. Foladere is directed to sending email to a receiving party by utilizing a profile information from profile database. However, it

does not describe at least a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact.

Singh also fails to make up for the aforementioned deficiencies. Singh is directed to a system of forwarding messages to a subscriber wherein upon receipt, the host server will receive a signal indicating receipt after which the message is deleted from the other devices to which it was sent to ensure redundant messages are not received by the subscriber. It does not describe at least the relevant limitations of claim 1 discussed above.

Therefore, since for at least the reasons described above, none of the cited references teach or suggest each and every limitation of claim 1, the rejection is lacking and should be withdrawn. Applicants submit claim 1 is allowable, and independent claims 7 and 13 are allowable for similar reasons. Claims 2, 4-6, 8, 10-12, 14, and 16-18 are allowable at least for depending from an allowable base claim.

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

The Office is hereby authorized to charge any fees, or credit any overpayments, to Deposit Account No. **11-0600**.

Application No.: 09/891,167  
Amendment dated: May 13, 2009  
Reply to Office Action of February 13, 2009

Respectfully submitted,

KENYON & KENYON LLP

Date: May 13, 2009

By: /Sumit Bhattacharya/  
Sumit Bhattacharya  
(Reg. No. 51,469)

KENYON & KENYON LLP  
333 West San Carlos St., Suite 600  
San Jose, CA 95110

Telephone: (408) 975-7500  
Facsimile: (408) 975-7500